

Notice of Allowability

Application No.

10/030,162

Examiner

Thomas M. Ho

Applicant(s)

MODL ET AL.

Art Unit

2132

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 3/20/07.
2. ☒ The allowed claim(s) is/are 1-3.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

1. *The amendment of 3/20/07 has been received and entered.*

Reasons for Allowance

In reference to claim 1:

Boerbert, US patent 5,272,754 discloses a method for authenticating a user of a data carrier for authorized use of the data carrier and for authenticating a data carrier terminal for authorized accessing by the data carrier terminal of memory areas of the data sheet carrier (Column 2, lines 17-24, 37-45), comprising the following steps:

- Reading a secret code from the data carrier by the data carrier terminal, wherein the secret code is stored on a memory location that can be accessed only by authorized data terminals or can be decrypted correctly, where the code is the token information. (Figure 4, Items 100, 102), and where the token information is read by the terminal and decrypted (Column 5, lines 10-26) & (Column 4, line 48 – Column 5, line 11) & (Column 7, line 52 – Column 8, line 2)
- Presenting the read secret code to the user, where the code presented is the token information which is the countersign. (Column 11, lines 3-11)
- After receiving an indication that the presented read secret code is correct, reading a biometric feature presented by the user. (Column 7, lines 40-46)

Boerbert fails to explicitly disclose

Art Unit: 2132

- Comparing the presented biometric feature with a biometric feature stored on the data carrier.

Boerbert however discloses that in an alternate embodiment, the user authentication device can include a biometric device, which would then be sent to a computer during the user verification process described in Fig 4. (Column 7, lines 40-46)

It is shown in Figure 4, that the invention of Boerbert verifies the authentication information at Items 114. (Column 10, lines 1-10) discloses the computer 60 checks the authentication information for correctness.

It would have been obvious to one of ordinary skill in the art to compare the presented biometric information in order to verify it in order to authenticate the user based on biometric information.

Boerbert however fails to explicitly disclose the process of receiving an indication that the presented read secret code is correct by the user.

In the art of validation of particular codes for the purpose of authenticating and/or validating a user, the step of a user interaction to help validate codes is unusual. The step of allowing a human element in the validation process in a largely electronic authentication mechanism leaves open the possibility of human error in the authenticating mechanism as well as a considerable latency in validating the user.

Art Unit: 2132

For this reason, although having a human check a particular "code" for accuracy is well known in the art, the Examiner is unable to find motivation in the art to combine this step at the particular point in applicant's claims.

Accordingly, the claim has overcome the prior art of Boerbert and is allowable.

Conclusion

2. Any inquiry concerning this communication from the examiner should be directed to Thomas M Ho whose telephone number is (571)272-3835. The examiner can normally be reached on M-F from 9:30 AM - 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gilberto Barron can be reached on **(571)272-3799**.

The Examiner may also be reached through email through Thomas.Ho6@uspto.gov

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571)272-2100.

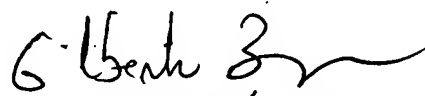
General Information/Receptionist Telephone: 571-272-2100 Fax: 571-273-8300

Customer Service Representative Telephone: 571-272-2100 Fax: 571-273-8300

TMH

June 5th, 2007

Thomas Ho AU 2132


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